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SUBJECT: "WHISTLE PAST THE GRAVEYARD" SYRIAN RESPONSE TO
BRAMMERTZ REPORT

Classified By: Charge d'Affaires Michael Corbin, per 1.4 b,d.

¶1. (C) Summary: The SARG has publicly reacted positively to the latest Brammertz report but officials are privately troubled by some of its language, including the focus on linkages between the Hariri assassination and other politically-targeted killings that occurred in the same time frame. Contacts report that many in the regime are looking past the investigation and focusing with significant apprehension on the formation of the tribunal that will accuse and try suspects based on Brammertz's UNIIIC work. Some believe that one of the key factors that may drive Syria try to destabilize Lebanon in the coming months is its desire to prevent the Lebanese Cabinet and Parliamentary from taking the action required to set up the tribunal. End Summary.

¶2. (C) Like all the other UNIIIC reports except the first broadside that Mehlis issued one year ago, this one has been discounted to a degree here as predictable and without much substance. Overall, however, Syrian officials privately have not been as dismissive of this report as they were with previous reports, say contacts. There remain fears, buttressed by the highly professional, confident tone of this report, that Brammertz is concealing a significant body of damning evidence that he has accumulated. Contacts say it is clear that Brammertz is preparing the final stages of presentation of a legal case that will go to trial. Dr. Samir al-Taqi, an informal advisor to the MFA who has helped organize the SARG legal defense strategy and recruited the British experts on its legal team, said that the report points to the implication of several relatively senior Syrian officers. Brammertz's mention of the "multiple motives" idea could be viewed as leaving room for accusing such senior figures without necessarily accusing and requiring convictions at the very top of the regime, indicated al-Taqi.

¶3. (C) Many contacts said that Syrian officials were happy with Brammertz's praise for SARG cooperation with the investigation. Hence the SARG has been relatively positive in its public reactions, but careful not to be effusive, praising the professional manner of the investigation and tone of the report. SARG officials are also relieved that Brammertz did not blame Syria for the recalcitrant or misleading attitude of a few Syrians that UNIIIC interviewed, noted al-Taqi, who in addition to his MFA connections, is closely tied to GID head Ali Mamluk. The Syrian official media offered restrained front page coverage, reporting that UNSYG Koffi Annan had expressed gratitude to Syria for its cooperation with UNIIIC.

14. (C) Contacts pointed to several aspects of the September 25 report that the Syrians did not like:

-- the linkages Brammertz made between the Hariri assassination and the other 15 assassinations and attempts;

-- Brammertz's continuing basic adherence to the Mehlis theory behind the assassination; and

-- the report's focus on the political environment beforehand as a key motivating factor in the killing.

These aspects taken together indicate that Brammertz believes, without saying so directly, that Syrian officers and other Syrians remain prime suspects.

15. (C) The real concern on the Syrian side is not the ongoing Brammertz investigation, however, but the tribunal that is being formed. SARG officials seem to be divided about how to respond to this development. Some contacts report regime support for turning the situation in Lebanon upside down, using proxies like Hizballah to cause the fall of the Siniora government. This would prevent the necessary Cabinet and Parliamentary action for the formation of the tribunal. Al-Hayat correspondent Ibrahim Hamidi have described to us scenarios that pointed to SARG-instigated action in November that could cause rising instability in Lebanon. Because the formation of the tribunal is likely to proceed quite slowly in any case, given the difficult legal and political complexities, al-Taqi said it is possible that any destabilizing action, including efforts to bring down the Siniora government, could be postponed until after the new year.

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16. (C) While such a view has powerful adherents inside the regime, there is an opposing view which argues that Syria will not be able to stop the tribunal by destabilizing the Lebanese government, reported Hamidi, who is thought to have good contacts inside the MFA and the Syrian security services. Even if SARG proponents of this view succeeded in completely destabilizing Lebanon, the UNSC would likely respond by forming a tribunal on its own authority. Consequently, it is in Syria's interest to cooperate with the tribunal and avoid drastic action that would destabilize Lebanon, as Syria seeks the best legal deal possible to extricate itself from its current UNIIIC legal bind, argue these pragmatic defenders of the regime, said Hamidi.

17. (C) This battle over the SARG's likely reaction to the formation and functioning of the tribunal is not over. Al-Taqi noted that the SARG may "defy the tribunal and refuse to give up any suspects," as well as dig in its heels completely and refuse to arrest anyone in Syria. But even al-Taqi at other points in the conversation with A/DCM acknowledged that the situation was quite fluid, making it difficult to predict accurately the SARG response. Other contacts expressed the conviction that in the end the SARG will have to cooperate. Attorney Salahideen al-Khatib even speculated that the President Bashar al-Asad will be willing to sacrifice anyone necessary, including family members, as long as it allows him to retain power.

18. (C) COMMENT: We seriously doubt that Asad is willing to countenance the sacrifice of any senior regime figures, especially his brother Maher and his powerful brother-in-law, SMI chief Asif Shawkat. The sacrifice of a few of the lower level "usual suspects, is possible but the SARG may insist on guarantees that they would be tried in absentia and imprisoned in Syria. For now, the regime seems to believe it is not under anywhere near as much pressure as it was under in the fall and winter of 2005-2006. At the end of that period, the SARG begrudgingly allowed five Syrian suspects and witnesses to travel to Vienna to be questioned by then-UNIIIC head Detlef Mehlis. Getting the SARG to cooperate with the tribunal in the coming months will likely

prove to be a major challenge. Given the regime's previous, sometimes unpredictable violent lurches in Lebanon, we do not rule out a SARG-instigated effort -- with its proxies there -- to bring down the Siniora government, among other reasons (such as despising Sa'ad Hariri and the March 14 grouping) in order to delay and undermine the formation of the tribunal. Any such foreign effort in Lebanon would likely be matched by a powerful demagogic campaign inside Syria -- playing on national pride and Islamic religious sentiments -- aimed at whipping up support for the regime and demonizing UNIIIC, the tribunal, and the U.S.

CORBIN